

of Trade and Transportation, relative to bill S. 2262—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of the Manufacturers' Association of New York, relating to forging trade-marks—to the Committee on Patents.

Also, petition of United Harbor No. 1, American Association of Masters and Pilots of Steam Vessels, opposing bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

By Mr. WANGER: Petition of Washington Camp, No. 502, Patriotic Order Sons of America, of Norristown, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WACHTER: Paper to accompany bill for relief of James W. Fowler—to the Committee on Invalid Pensions.

By Mr. WARNOCK: Petition of the York Township Protective Association, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. WEISSE: Paper to accompany bill for relief of Nathaniel Cooper—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Andrew Schmidt—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Julius Beyer—to the Committee on Invalid Pensions.

Also, petition of Jacob Binder et al., favoring maximum output of 2,500 barrels of beer on special tax of \$50 per annum—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, February 8, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN and by unanimous consent, the further reading was dispensed with.

TRANSFER OF CLERKS IN POST-OFFICE DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 27th ultimo, a letter from the Acting Second Assistant Postmaster-General and a copy of a memorandum from the Acting Fourth Assistant Postmaster-General, relative to the number of clerks in the Post-Office Department performing other work and who will be affected by new legislation; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

STEAMER "DAVENTRY."

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of Commerce and Labor, transmitting additional information in the matter of an application for the registry of the foreign-built steamer *Daventry*; which was referred to the Committee on Commerce, and ordered to be printed.

ST. JOHNS RIVER (FLORIDA) IMPROVEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 31st ultimo, estimates prepared by Capt. Francis R. Shunk, Corps of Engineers, the officer in charge of the improvement of St. Johns River, relating to the cost of obtaining a depth of 24 feet of water in that river, etc.; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the State of Nevada; which, with the accompanying paper, was ordered to be filed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

S. 6450. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.;"

H. R. 18280. An act to extend the western boundary line of the State of Arkansas;

H. R. 18523. An act making an appropriation for fuel for the public schools of the District of Columbia; and

H. J. Res. 185. Joint resolution authorizing and directing the

Director of the Census to collect and publish additional statistics relating to cotton.

PERSONAL EXPLANATION.

Mr. KEARNS. Mr. President, I rise to a question of personal privilege.

In the first vote on the amendment of the Senator from California [Mr. BARD] last evening I voted "nay" in a distinct manner. It appears the clerks misunderstood me and I was numbered among those favoring the amendment. My colleagues called my attention to the error and I was on the point of correcting it when it was suggested I could do so on the vote to concur in the amendment before the final passage of the bill, in case the amendment should be adopted. This course I pursued.

The seriousness of this matter did not impress itself upon me until this morning, when I read in the public press the statement that I had voted for the amendment in order that I might force the managers of the bill to accept my amendment ceding the Arizona strip to Utah. This I deny in the most positive manner. Such a proceeding I would not countenance nor be a party to. My word had been given the managers of the bill that I would support their measure, and I would not have played them false for the whole Territory of Arizona.

If this be the proper time, Mr. President, I desire to have the record corrected as far as it relates to my vote upon the amendment of the Senator from California in accordance with this statement.

Mr. NELSON. Mr. President, I desire to state in this connection that I was sitting here in my seat, and I heard distinctly the Senator from Utah [Mr. KEARNS] vote "nay" on that proposition, as he has just stated, and I think every Senator in this row can vouch for the same thing. I was very much surprised when the Secretary read his vote as voting in the affirmative, as I heard him distinctly vote in the negative.

Mr. CLARK of Wyoming. Mr. President, during the time of that occurrence I sat as near the Senator from Utah as I sit now, within 4 feet. His vote was given "nay," distinctly, as he has stated.

Mr. FORAKER. Mr. President, merely to show that the recording clerk was not at fault, in my opinion, I should state that I was sitting at my desk keeping a tally of the vote, and when the Senator from Utah announced his vote I wrote his name down as voting "yea." It was a clear vote of "yea" as it sounded in this part of the Chamber. After I learned that there was a controversy about it, I made inquiry of a number of Senators sitting around me, and every one who expressed himself on the subject expressed himself as understanding that the vote was "yea."

Of course, if the Senator says it was "nay," we accept his statement about it; but the recording clerk is not at fault, I am sure, if the sound came to him as it did to this part of the Chamber. Not only that, but Senators who sat nearer to the Senator than I sat made the same statement, that they understood his vote to be "yea."

Mr. GALLINGER. Mr. President, I have no controversy with the Senator from Utah. If he made a mistake in casting his vote, I have done that myself. But I was keeping a record, listening very intently to each vote. My record tallies with that of the clerks, and to my ears the Senator from Utah voted distinctly "yea." Of course, if the Senator says that he did vote "nay" I have no hesitancy in accepting that statement; but there certainly was good reason for the clerks to record the vote as they did, unless my ears were much more treacherous than they ordinarily are.

Mr. QUARLES. Mr. President, at the time the vote in question was being taken I occupied my seat here, just two seats removed from that of the Senator from Utah, and when he voted I heard him distinctly answer "nay." It was not a loud vote, but it was heard here distinctly. Immediately when he was recorded by the clerks as voting "yea" several of us called his attention at once to the fact and requested him to correct the record according to the vote he had actually given.

Mr. CLAPP. Mr. President, certainly this is a matter to be regretted. Not intended as any criticism on the clerks, but in justice to the Senator from Utah, I will state that I was sitting next to him at the time and heard him say "nay" as distinctly to my knowledge as I ever heard a man make any expression. That is corroborated by the fact that the Senator from Indiana [Mr. BEVERIDGE] immediately came here and importuned him to have the record changed, which bears out the statement of the Senator from Utah.

Mr. KITTREDGE. Mr. President, when the Senator from Utah [Mr. KEARNS] cast his vote on the matter in question I was sitting next to him. I heard him clearly and distinctly state that he voted "nay" on the proposition.

Mr. CLAY. Mr. President, I am sure there can not be any fault on the part of the clerks. I was sitting right here at my desk; I had before me a list of the Senators, and I was keeping a tally of the vote at the time their names were being called. Three or four Senators were sitting around me here at that time. The vote of the Senator from Utah was heard on this side of the Chamber as "yea," and it was remarked by three or four Senators when it was announced that the amendment of the Senator from California would prevail. I do not pretend to say how the Senator voted, but I am sure that those of us on this side of the Chamber heard the vote the same way the clerks did.

Mr. HANSBROUGH. Mr. President, at the time the vote was taken I had before me on my desk a list of twelve or fifteen Republican Senators who I felt quite confident intended to vote for the Bard amendment, and I was following the call of the roll very closely. I did not have in front of me a roll call, but a list of my own, containing the names of twelve or fifteen Republican Senators. When the name of the Senator from Utah was called and he answered I felt very much gratified, and placed my hand on the knee of a Senator sitting near me and I said, "He has voted with us." I understand that the same impression prevailed in the minds of several Senators who were voting on different sides of the question.

Now, I do not, of course, undertake to impeach the integrity of the Senator from Utah, or of a single Senator who has made observations this morning to the contrary. I accept their statements; but that was my understanding.

Mr. SCOTT. Mr. President, I feel that it is incumbent upon those of us who sit near the Senator from Utah to vindicate him in the position he has taken this morning. I myself heard him vote "nay," and went to the clerks and said to them, "You have recorded Mr. KEARNS wrong; he voted 'nay.'" I was sitting in the seat of the Senator from Rhode Island [Mr. WETMORE]. Is it possible that a dozen of us here could be mistaken, and that the vote could be heard distinctly on the other side of the Chamber? The Senator from Utah as surely voted "nay" as I am standing on the floor of the Senate at this time.

Mr. MCOMAS. Mr. President, only a moment, because it was said the Senator from Indiana [Mr. BEVERIDGE], in front of me, went around to speak to the Senator from Utah. For that reason I rise to say that my name followed soon after, and immediately after I voted the Senator from Indiana asked me, "How did Mr. KEARNS vote?" I said he voted "nay;" I heard him distinctly; and then it was that the Senator from Indiana went around to see him.

Mr. FOSTER of Washington. Mr. President, I heard the Senator from Utah vote "nay" on the amendment of the Senator from California. I was sitting right here in my seat.

Mr. GORMAN. Mr. President, as a matter of course the Senator from Utah has a right to make any correction of the RECORD, and the statement he made this morning will be accepted, I take it, by the Senate. But in the matter of recording the votes of the body there ought not, I think, to be a suspicion on the part of any Senator that any one of the clerks at the desk makes a record other than a perfect one as he understands it, and after the votes are recorded that vote is read deliberately and distinctly, so that every Senator has an opportunity to correct his vote at the time, if he desires to do so, as occurred yesterday with the Senator from Georgia [Mr. BACON] who sits next to me. But after the vote referred to no correction was made by any Senator in the body, and therefore I insist that the clerks were perfectly justified, under the circumstances, in handing to the Presiding Officer the vote as they had recorded it. Quite a number of Senators on this side of the Chamber, as was suggested a few moments since, understood the Senator from Utah to have voted in the affirmative; all on this side so understood him to have voted. I myself made a record of that vote, and so recorded it, because I understood the Senator from Utah to vote "yea" upon that proposition, as the clerks recorded him.

Mr. HALE. Mr. President, the rules of the Senate completely and absolutely cover such a case as this. There is a deliberate roll call. The clerks are always patient, giving every Senator an opportunity to vote. And when the roll call is completed the rules of the Senate provide another course that makes the process perfect. That there may be no mistake in the record of a Senator's vote there is a deliberate reading of the roll, giving the vote upon each side. In a close vote, such as we witnessed here yesterday, it is unaccountable that any Senator did not watch the roll read by the clerks after the first roll call had been gone through to see how he was recorded, when the opportunity was given him to correct it. No rules could be made more complete than are these to prevent such conditions and such questions from arising. It was the duty of the Senator from Utah on that second roll call, that

recapitulation of the vote, to correct the vote, as he had the opportunity of doing. He did not do that, and therefore this unfortunate condition arises where some Senators really believe, their hearing being invoked, that he voted one way, while other Senators believe that he voted the other way. But it has all come about because the Senator did not do what the rules prescribe, correct his vote before the result was finally announced.

Mr. DUBOIS. Mr. President, I was very much surprised to hear the Senator from Utah vote "yea," as I understood him, and I wish to make this statement. The relations between the Senator from Utah and myself are of so close and friendly a nature that I felt at liberty to discuss with him his vote on this proposition. I felt very strongly on the subject. I had been talking to him just previous to the vote, and knew from the answers which he gave me that he was not going to vote with us. It was not his intention to vote with us, as he told me five minutes before the vote was taken, and when I understood that he voted "yea," I was exceedingly surprised.

After the vote, I went to see the Senator from Utah to express my gratification at the vote he had cast, and he said "I did not vote 'yea;' I voted 'nay.'"

SURVEYS AND EXPLORATIONS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Philippines, and ordered to be printed.

To the Senate and House of Representatives:

Circumstances have placed under the control of this Government the Philippine Archipelago. The islands of that group present as many interesting and novel questions with respect to their ethnology, their fauna and flora, and their geology and mineral resources as any region of the world. At my request, the National Academy of Sciences appointed a committee to consider and report upon the desirability of instituting scientific explorations of the Philippine Islands. The report of this committee, together with the report of the Board of Scientific Surveys of the Philippine Islands, including draft of a bill providing for surveys of the Philippine Islands, which board was appointed by me, after receiving the report of the committee appointed by the National Academy of Sciences, with instructions to prepare such estimates and make such suggestions as might appear to it pertinent in the circumstances, accompanies this message.

The scientific surveys which should be undertaken go far beyond any surveys or explorations which the government of the Philippine Islands, however completely self-supporting, could be expected to make. The surveys, while of course beneficial to the people of the Philippine Islands, should be undertaken as a national work for the information not merely of the people of the Philippine Islands, but of the people of this country and of the world. Only preliminary explorations have yet been made in the archipelago, and it should be a matter of pride to the Government of the United States fully to investigate and to describe the entire region. So far as may be convenient and practical, the work of this survey should be conducted in harmony with that of the proper bureaus of the government of the Philippines, but it should not be under the control of the authorities in the Philippine Islands, for it should be undertaken as a national work and subject to a board to be appointed by Congress or the President. The plan transmitted recommends simultaneous surveys in different branches of research, organized on a cooperative system. This would tend to completeness, avoid duplication, and render the work more economical than if the exploration were undertaken piecemeal. No such organized surveys have ever yet been attempted anywhere; but the idea is in harmony with modern scientific and industrial methods.

I recommend, therefore, that provision be made for the appointment of a board of surveys to superintend the national surveys and explorations to be made in the Philippine Islands, and that appropriations be made from time to time to meet the necessary expenses of such investigation. It is not probable that the survey would be completed in a less period than that of eight or ten years, but it is well that it should be begun in the near future. The Philippine Commission, and those responsible for the Philippine government, are properly anxious that this survey should not be considered as an expense of that government, but should be carried on and treated as a national duty in the interests of science.

THE WHITE HOUSE, February 7, 1905.

THEODORE ROOSEVELT.

CREDENTIALS.

Mr. WARREN presented the credentials of CLARENCE D. CLARK, chosen by the legislature of the State of Wyoming a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. SMOOT presented a petition of the Weber Club, of Ogden, Utah, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. QUARLES presented a petition of Milwaukee Subdivision, No. 405, Brotherhood of Locomotive Engineers, of Milwaukee, Wis., praying for the enactment of legislation to prohibit the employment of men as locomotive engineers who have not had three years' experience as locomotive firemen; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Albany, Wis., and a petition of the Woman's Christian Temperance Union of Melrose, Wis., praying for the enactment of legislation to regulate the interstate transporta-

tion of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Milwaukee Pharmaceutical Association, of Milwaukee, Wis., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented a petition of Green Bay Lodge, No. 445, Brotherhood of Railroad Trainmen, of Green Bay, Wis., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Superior, Wis., and a petition of the congregation of the First Baptist Church of Hudson, Wis., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a memorial of the congregations of the Baptist, Presbyterian, and Methodist Episcopal churches of Lodi, Wis., remonstrating against the repeal of the present anti-canteen law; which was referred to the Committee on Military Affairs.

Mr. BURNHAM presented the memorial of S. W. Smith and 20 other citizens of Wilton, N. H., remonstrating against the enactment of legislation providing for the closing on Sunday of certain places of business in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Jere E. Chadwick Post, No. 70, Department of New Hampshire, Grand Army of the Republic, of Deerfield, N. H., and a petition of Prescott Jones Post, No. 32, Department of New Hampshire, Grand Army of the Republic, of Wilmot Flat, N. H., praying for the enactment of legislation to modify and simplify the pension laws of the United States; which were referred to the Committee on Pensions.

He also presented the petition of F. H. Whiting and 3 other citizens of Greenville, N. H., and the petition of the Retail Druggists' Association of Manchester, N. H., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

Mr. McCUMBER. I present resolutions of the legislature of North Dakota, relative to the appointment of additional special agents to investigate the abuses in fencing the public lands. I ask that the resolutions may be read, and referred to the Committee on Public Lands.

There being no objection, the resolutions were read, and referred to the Committee on Public Lands, as follows:

Resolution introduced by Mr. Hardt.

Resolved by the house of representatives:

Whereas citizens residing in Logan and other counties in this State are bitterly complaining that individuals, firms, and corporations owning large tracts of land adjoining the public lands have fenced and are fencing large tracts of the public land, to the inconvenience and injury of the bona fide residents; and

Whereas it is reported and believed that many of these trespassers on the public domain have many hired settlers located upon the public lands, to the injury and damage of the bona fide settlers, because those hired, so-called "settlers" allow the said unlawful fencing; and

Whereas it is reported that the Department of the Interior has not a sufficient number of special agents nor appropriations to employ agents to investigate our complaints: Therefore,

Resolved, That the house of representatives of the State of North Dakota request our Representatives and Senators in the Congress of the United States to use every honorable effort to procure, if necessary, additional special agents and appropriations of the public money to enable the Interior Department of the Government to send us one or more special agents to investigate our complaints, with a view of correcting the great wrong.

Resolved further, That a copy of these resolutions, after the speaker and chief clerk sign the same, be transmitted to each of our Representatives and Senators in Congress.

Resolved further, That this resolution be printed in the journal of the house.

GEORGE H. PIERCY,
Speaker of the House.
OTTO SAUGSTAD,
Chief Clerk of the House.

Mr. GALLINGER presented a petition of the National Wholesale Lumber Dealers' Association, of Boston, Mass., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Candia, of the Woman's Christian Temperance Union of Nashua, and of the Woman's Christian Temperance Union of South Lyndeboro, all in the State of New Hampshire, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented memorials of sundry citizens of College View, Nebr., remonstrating against the enactment of legislation

providing for the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. HANSBROUGH presented a joint resolution of the legislature of North Dakota, relative to the appointment of special agents by the United States Government for the purpose of investigating abuses in fencing public lands; which was referred to the Committee on Public Lands.

Mr. STONE presented a memorial of the Cigar Manufacturers' Association of St. Louis, Mo., remonstrating against any reduction of the duty on tobacco and cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of B. H. Porch Post, No. 135, Department of Missouri, Grand Army of the Republic, of Olean, Mo., praying for the enactment of legislation to modify and simplify the pension laws of the United States; which was referred to the Committee on Pensions.

He also presented a petition of the Cinchona Club, of St. Louis, Mo., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented a petition of the Merchants' Exchange, of St. Louis, Mo., praying that an appropriation of \$15,000,000 be made for the permanent improvement of the upper Mississippi River; which was referred to the Committee on Commerce.

Mr. DRYDEN presented the petition of Reuben Woolman, of Woodstown, N. J., praying for the enactment of legislation providing for continued prohibition of the liquor traffic in the Indian Territory according to recent agreements with the Five Civilized Tribes; which was ordered to lie on the table.

He also presented the memorial of John Conger, of East Rahway, N. J., remonstrating against the repeal of the present anti-canteen law; which was referred to the Committee on Military Affairs.

He also presented the petition of Dr. A. J. Loomis, of Jersey City, N. J., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

Mr. COCKRELL. I present a joint resolution of the legislature of Missouri, relative to the recommendations of the President with reference to the enlargement of the powers of the Interstate Commerce Commission. I ask that the resolution may be read, and referred to the Committee on Interstate Commerce.

There being no objection, the joint resolution was read, and referred to the Committee on Interstate Commerce, as follows:

State of Missouri, house of representatives, forty-third general assembly.
JEFFERSON CITY, Mo., February 2, 1905.

Senator F. M. COCKRELL,
United States Senate, Washington, D. C.

DEAR SIR: I have the honor to herewith transmit to you, by order of the house of representatives, a concurrent resolution this day adopted by the general assembly of the State of Missouri.

Very respectfully, yours,

B. F. RUSSELL,
Chief Clerk House of Representatives.

Joint resolution.

Whereas the President of the United States, in his last annual address to the Congress, recommended that "the Interstate Commerce Commission should be vested with the power, where rate (for the transportation of property in the interstate or foreign commerce) has been challenged and, after full hearing, found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place; the ruling of the Commission to take effect immediately and to obtain unless and until it is reversed by the court of review:" Therefore, be it

Resolved by the house of representatives (the senate concurring therein) as follows, That the Senators and Representatives of Missouri in the Congress of the United States be requested to use their best efforts to secure the enactment of such laws as will best tend to the carrying out of the recommendations of the President with reference to the enlargement of the powers of the Interstate Commerce Commission; and that a copy of this resolution, duly authenticated, be transmitted to each of our Representatives in the Congress.

Mr. COCKRELL presented a petition of the board of directors of the Merchants' Exchange of St. Louis, Mo., praying that an appropriation of \$15,000,000 be made for the improvement of the upper Mississippi River; which was referred to the Committee on Commerce.

He also presented a petition of Pride of the West Lodge, No. 6, Brotherhood of Locomotive Firemen, of De Soto, Mo., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. TELLER. I present a joint resolution of the legislature of Colorado, relative to the enactment of legislation giving to the Interstate Commerce Commission adequate power to correct rates and to regulate service on railroads in the United States. I ask that the joint resolution be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the joint resolution was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Senate joint resolution No. 3.
(By Senator Drake.)

Whereas the President of the United States, in his last annual message to Congress, pointed out the necessity of governmental regulation of railroad rates and service through the delegated power of Congress given to the Interstate Commerce Commission; and

Whereas there is now pending before Congress legislation looking toward the amendment of the interstate-commerce act as recommended by the President: Therefore be it

Resolved by the senate of the fifteenth general assembly of the State of Colorado (the house concurring). That we heartily approve of the views set forth in the last annual message of the President of the United States on this subject, and we urge that such legislation may be promptly passed as will give the Interstate Commerce Commission adequate power to correct rates and to regulate service on the railroads of the United States; and be it further

Resolved, That the Senators and Members of the House of Representatives in Congress from Colorado be instructed to use every effort to secure the passage of such legislation during the present session of Congress.

WILLIAM H. DICKSON,
Speaker of the House of Representatives.
JESSE F. McDONALD,
President of the Senate.

Approved, January 26, 1905.

ALVA ADAMS,
Governor of the State of Colorado.

State of Colorado. Senate joint resolution No. 3.

Regarding the necessity of governmental regulation of railroad rates, etc.

STATE OF COLORADO, ss.

This act originated in the senate.

M. Z. FARWELL, *Secretary.*

STATE OF COLORADO, *Secretary's office, ss.*

This joint resolution was filed in my office this 27th day of January, A. D. 1905, at 9.20 o'clock a. m.

JAMES COWIE,
Secretary of State.

Mr. SPOONER presented a petition of Green Bay Lodge, No. 445, Brotherhood of Railroad Trainmen, of Green Bay, Wis., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Methodist Episcopal Church of Black River Falls, Wis., and a petition of Waupaca Lodge, No. 50, Independent Order of Good Templars, of Waupaca, Wis., praying for the enactment of legislation providing for continued prohibition of the liquor traffic in the Indian Territory according to recent agreements with the Five Civilized Tribes; which were ordered to lie on the table.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Alton, Atkinson, Springfield, Milford, Highland Park, and East St. Louis, all in the State of Illinois, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

He also presented a petition of Chicago Division, No. 96, Brotherhood of Locomotive Engineers, of Chicago, Ill., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Chicago, Aurora, Galva, Sterling, and Moline, all in the State of Illinois, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Rockford, Pleasant Mound, and Oak Park, all in the State of Illinois, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in the new States to be formed; which were ordered to lie on the table.

Mr. MCCOMAS presented a petition of sundry citizens of Westminster, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquor to Indians in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

Mr. PATTERSON presented a petition of Mount Ouray Lodge, No. 140, Brotherhood of Locomotive Firemen, of Salida, Colo., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. HALE presented the memorial of E. I. White and 37 other citizens of the State of Maine, and the memorial of Fred Lucas and 24 other citizens of the State of Maine, remonstrating against the repeal of the present oleomargarine law; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of Fred Lucas and 25 other citizens of the State of Maine, and the petition of E. I. White and 37 other citizens of the State of Maine, praying for the enactment of legislation providing for a parcels post and postal

currency; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PROCTOR presented a petition of the Vermont Anti-saloon League, praying for the enactment of legislation providing for continued prohibition of the liquor traffic in the Indian Territory according to recent agreements with the Five Civilized Tribes; which was ordered to lie on the table.

He also presented a petition of the Vermont State Dairy-men's Association, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. CLAPP presented a petition of sundry citizens of Lake City, Minn., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented a petition of sundry citizens of Luverne, Minn., praying for the adoption of an amendment to the statehood bill granting continued prohibition for twenty-one years to the Indian Territory; which was ordered to lie on the table.

Mr. CARMACK presented a paper to accompany the bill (S. 3793) for the relief of the estate of Laodocia Bivens, deceased; which was referred to the Committee on Claims.

Mr. FAIRBANKS presented a petition of the legislature of Indiana, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Senate resolution No. 31.

Be it resolved by the senate of Indiana. That the United States Senators and Representatives of Indiana in the Congress of the United States are requested to use their influence toward enacting into law at the present session of Congress the recommendation contained in the President's message that "the Interstate Commerce Commission should be vested with the power, where a given rate (for the transportation of property in interstate foreign commerce) has been challenged and after full hearing, found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place, the ruling of the Commission to take effect immediately and to obtain unless and until it is reversed by the court of review."

HUGH H. MILLER,
President of the Senate.
JULIAN D. HOGATE,
Secretary of Senate.

ROAD BUILDING IN ALASKA.

Mr. DILLINGHAM. Mr. President, I hold in my hand a paper which I ask unanimous consent to present and have printed as a Senate document.

I wish simply to say that it is a paper prepared by Chester Wells Purrington, special assistant of the United States Geological Survey, who has been engaged in work in Alaska bearing on the question of road building in that district.

We have there an area two-thirds as large as all the States east of the Mississippi River, and outside of the little towns there is not a highway in the district. Congress is very much lacking in information upon the conditions relating to road building in that section. This paper takes up the question and shows what has been done in the Yukon territory under the British administration—in the central Yukon, on the Seward Peninsula, in southeastern Alaska, and in British Columbia, and it shows the consequent reduction in freight rates.

The paper is accompanied by a half-dozen or more illustrations. I ask unanimous consent that it may be printed as a Senate document.

The PRESIDENT pro tempore. With the illustrations?

Mr. DILLINGHAM. With the illustrations.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent that the paper he sends to the desk, with illustrations, as the Chair understands, may be printed as a Senate document. Is there objection?

Mr. GORMAN. I ask the Senator from Vermont whether it is not a wise thing to have this matter referred to the Committee on Printing? Our attention has been sharply drawn, and properly drawn, by the President of the United States to the fact that the amount being appropriated on account of printing an immense number of documents is in excess of the demands of the Government. I wish to say in this connection that I have sat here for some time and have heard requests for unanimous consent granted for publication in the RECORD of resolutions of boards of trade and petitions that have been presented, and I think we ought to call a halt upon that practice, which has grown up in the past.

I suggest to the Senator from Vermont that under the rules this matter ought to go to the Committee on Printing, and we ought to have an estimate of its cost, because under the rules of the body we can only order printing to the amount of a few hundred dollars. It will not delay the matter, and I think it had better take that course, in the case of a paper prepared by some individual and not by Government officials.

Mr. DILLINGHAM. Mr. President, I realize the force of the suggestions of the Senator from Maryland. I think the Senator will bear me witness that during the time I have been here I have presented as few requests of this kind as any Senator upon the floor. This is a matter of exceptional interest and exceptional value or I would not have presented it. But, as a matter of course, it requires unanimous consent to have it printed, and if the Senator objects I shall be very glad to have it go to the Committee on Printing, where its importance, I am sure, will make its own impression.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Vermont?

Mr. SPOONER. I understand that it is agreed it shall go to the Committee on Printing.

The PRESIDENT pro tempore. The Senator said if there was objection made he would consent to that reference.

Mr. GORMAN. I prefer that it shall go to the Committee on Printing.

The PRESIDENT pro tempore. It will be referred to the Committee on Printing.

REPORTS OF COMMITTEES.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 6471) granting an increase of pension to Frances H. Scott, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6515) granting an increase of pension to George Murphy, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 6565) granting right of way for trailway to W. W. Bass, of Coconino County, Ariz., for travel across the Grand Canyon of Arizona, and ferry privileges, and so forth, across the Colorado River therein, reported it without amendment, and submitted a report thereon.

Mr. GIBSON, from the Committee on Public Lands, submitted the views of the minority on the bill (S. 5800) to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota, which was favorably reported from the Committee on Public Lands on February 4, 1905, by Mr. GAMBLE.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. GAMBLE on the 30th ultimo, proposing to increase the salary of the consul at Three Rivers, Canada, from \$2,000 to \$2,500, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. NELSON on the 25th ultimo, proposing to increase the salary of the consul-general at Christiania, Norway, from \$2,000 to \$2,500, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. DRYDEN on the 6th instant, proposing to appropriate \$7,500 for salary of envoy extraordinary and minister plenipotentiary to Morocco, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17672) granting an increase of pension to Oliver C. Cleveland;

A bill (H. R. 15891) granting a pension to Harriett Stanley;

A bill (H. R. 14305) granting a pension to Walter Gardner;

A bill (H. R. 15082) granting a pension to James C. Albritton;

A bill (H. R. 18031) granting an increase of pension to John Tipton;

A bill (H. R. 16874) granting an increase of pension to Reuben Terry;

A bill (H. R. 14255) granting an increase of pension to Margaret H. Bates;

A bill (H. R. 16861) granting an increase of pension to Mary L. Walker; and

A bill (H. R. 17126) granting an increase of pension to Caroline Jennings.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 5909) granting a pension to Russell A.

McKinley, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6417) granting an increase of pension to Lucy F. Crutenden, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6418) granting an increase of pension to Wallace Goff, reported it with an amendment, and submitted a report thereon.

He also (for Mr. TALLIAFERRO), from the same committee, to whom was referred the bill (S. 7076) granting a pension to Susan Hayman, reported it with amendments, and submitted a report thereon.

He also (for Mr. TALLIAFERRO), from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6924) granting an increase of pension to Richard H. McIntire; and

A bill (S. 6925) granting an increase of pension to Laura C. Curtiss.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 6989) granting an increase of pension to Jacob O. Stout, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 17311) granting an increase of pension to Adam W. Grassley, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 5321) granting an increase of pension to William Klingensmith, reported it with amendments, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6706) granting an increase of pension to Jacob Ormerod; and

A bill (S. 7034) granting an increase of pension to John Q. A. Foss.

WALTER DELAFIELD BOLLARD.

Mr. PERKINS. I am directed by the Committee on Naval Affairs to report back favorably two bills, Senate bill 5816 and Senate bill 6790, and as it will be only a short time before the expiration of the Congress I ask unanimous consent for the present consideration of the bills, by direction of the committee.

I first report back with an amendment the bill (S. 5816) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy, and I submit a report thereon.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and is hereby, waived in the case of Walter Delafield Bollard, United States Navy, in consideration of efficient and meritorious service as pay clerk in the Navy during thirteen years, who, on November 16, 1900, the morning after the U. S. S. Yosemite, ruined by typhoon, helpless, and rapidly filling, had to be abandoned at sea, at most imminent peril to himself, did recover her entire treasure, thus saving to the Government some \$80,000 silver (Mexican) and \$1,400 gold.

The amendment of the Committee on Naval Affairs was to strike out all after the words "United States Navy," in line 5, after the name "Bollard."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. DANIEL. Is there a report accompanying it?

Mr. PLATT of Connecticut. I think there ought to be an explanation of the bill, to say the least. If we are called upon to act on the bill when reported, certainly there ought to be some explanation given of it.

Mr. PERKINS. If the Senator desires the report to be read, it will explain it. The report is very short.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report, and read as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 5816) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy, having considered the same, report thereon with a recommendation that it pass with an amendment as follows:

Strike out all after the word "Navy," in line 5.

The following is a statement by the commanding officer of the Yosemite, on which Pay Clerk Bollard served:

"The following is a statement by the officer commanding the Yosemite when struck by the typhoon:

"Circumstances attending the salvage of some \$80,000 Mexican and \$1,400 United States gold, from the U. S. S. Yosemite:

"On the morning of November 16, 1900, the U. S. S. Yosemite was

at sea some 40 miles to the north-northwestward of the island of Guam. The vessel was in a sinking condition from having struck on the coral reef in the harbor of San Luis d'Apra, Guam, and then having been blown to sea on November 13, 1900.

"After the crew and officers had abandoned the ship at night and as soon as it was daylight, November 16, 1900, Pay Clerk W. D. Bolland, United States Navy, was sent to rescue the Government funds on the *Yosemite*, he being the pay officer of the ship and in charge of the funds."

Mr. PERKINS. I will simply state all there is in the bill. The young man has been a paymaster's clerk in the Navy for some six or eight years. He distinguished himself, as the report of the commander there recites. He is about a year beyond the age limit. The bill leaves it in the discretion of the President to appoint him paymaster if he desires to do so. That is all there is to the bill.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

Mr. SPOONER. I am interested to get the balance of that story. It ought not to be stopped so abruptly.

Mr. COCKRELL. Let the report be read.

The PRESIDENT pro tempore. The remainder of the report will be read.

The Secretary resumed and concluded the reading of the report, as follows:

A very heavy sea was running at the time, and as the ship then had in her about all the water she would stand up under, her sudden disappearance was likely to occur owing to the leaky and weakened condition of the bulkhead at frame 53. For these reasons but few men were allowed to go with Mr. Bolland.

Under these trying and dangerous conditions Mr. Bolland successfully superintended the transfer from the U. S. S. *Yosemite* to the U. S. S. *Justin*, in ship's boats, of some \$80,000 Mexican, weighing about three tons, and \$1,400 United States gold.

Very respectfully,

B. B. BIERER, Lieutenant U. S. Navy,
Commanding U. S. S. *Yosemite* on this occasion.

WASHINGTON, D. C., December 29, 1901.

Mr. SPOONER. I should like to ask the Senator how much the age limit is waived; in other words, how old is this gentleman?

Mr. PERKINS. I understand that he is about 27, one year above the limit.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let it be read for information.

The Secretary proceeded to read the bill.

Mr. PERKINS. All the Secretary is reading is stricken out by the amendment, and the bill simply authorizes the President to appoint him if he desires to do so.

Mr. CULLOM. There seems to be too much about this bill to consider it now. I object.

The PRESIDING OFFICER. The Senator from Illinois objects, and the bill will go to the Calendar.

AWARD OF MEDALS OF HONOR.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 6970) providing for the award of medals of honor to certain officers and men of the Navy and Marine Corps, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Navy to cause to be struck medals of honor of such design and class as may be appropriate, and to present the same to officers and men of the Navy and Marine Corps who may hereafter distinguish themselves in action, or who display conspicuous gallantry or render specially meritorious service otherwise than in battle.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GRAVE OF MAJ. PIERRE CHARLES L'ENFANT.

The PRESIDING OFFICER. The senior Senator from New Hampshire reports from the Committee on the District of Columbia without amendment the bill (S. 7081) to mark the grave of Maj. Pierre Charles L'Enfant.

Mr. LODGE. I ask for the present consideration of the bill. There can be no objection to it.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That a sum not exceeding \$500 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to enable the Commissioners of the District of Columbia to purchase and erect over the grave of Maj. Pierre Charles L'Enfant, at its present location, a tombstone inscribed as said Commissioners shall direct: *Provided*, That the owners of the land whereon said grave is situated shall dedicate a plot of ground, acceptable to said Commissioners, to be reserved in perpetuity as such burial site, and shall also dedicate a permanent right of way for the use of the public over their said land from the adjacent public road to said burial site.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. DANIEL. I should like to hear the report read or a statement of the bill.

Mr. LODGE. The Committee on the District of Columbia has reported the bill, I think, without any written report. It is simply to enable the Commissioners, who have asked for it, to mark the neglected grave of Major L'Enfant, who, as every one knows, laid out this city. The appropriation is only \$500, and I think it is something that ought to be done.

Mr. DANIEL. Very well.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. McCUMBER introduced a bill (S. 7096) granting an increase of pension to Amanda H. Burrows; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 7097) to provide for enlarging and improving the United States building at Lynchburg, Va., containing the United States court rooms, clerk's office, post-office, and internal-revenue offices; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. LODGE introduced a bill (S. 7098) granting to Percival Lowell certain land in the Territory of Arizona; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. CARMACK introduced a bill (S. 7099) for the relief of the legal representatives of the estate of Lewis M. Maney, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7100) for the relief of the estate of J. E. Bauman, sr., deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut introduced a bill (S. 7101) to authorize the issuance of special bench warrants in certain criminal cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COCKRELL introduced a bill (S. 7102) for the relief of Mary Christopher, heir of Lowell G. Spaulding, deceased; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Mary Christopher, heir of Lowell G. Spaulding, deceased, praying that her claim for property taken by the Army during the civil war be referred to the Court of Claims. I also present the affidavits of A. M. Clark, Charles W. Hazell, Leonard Schrieker, and letter to General Rosecrans signed by L. G. Spaulding and others. I move that the bill and accompanying papers be referred to the Committee on Claims.

The motion was agreed to.

Mr. GIBSON introduced a bill (S. 7103) confirming the title of the St. Paul, Minneapolis and Manitoba Railway Company to certain lands in the State of Montana, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 7104) for the relief of John T. Eaton; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7105) for the relief of the heirs of Thomas A. Dough, deceased;

A bill (S. 7106) for the relief of William J. Hogan;

A bill (S. 7107) for the relief of Walter T. Dough;

A bill (S. 7108) for the relief of the estate of Esau Berry; and

A bill (S. 7109) for the relief of the estate of B. L. Robinson, deceased.

Mr. CULBERSON (by request) introduced a bill (S. 7110) for the relief of the estate of Andrew J. Joyce, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FOSTER of Louisiana introduced a bill (S. 7111) for the relief of the heirs of Mrs. Gabriel Le Breton Deschappelles; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCOMAS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7112) granting a pension to Martin Moats (with accompanying paper);

A bill (S. 7113) granting an increase of pension to Andrew J. Gibson;

A bill (S. 7114) granting an increase of pension to Alexander Shaney; and

A bill (S. 7115) granting an increase of pension to George Adams.

Mr. CLAPP introduced a bill (S. 7116) for the relief of Herman W. Reichow; which was read twice by its title, and referred to the Committee on Claims.

Mr. KITTREDGE introduced a bill (S. 7117) establishing that portion of the boundary line between the State of South Dakota and the State of Nebraska south of Union County, S. Dak.; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MARTIN introduced a bill (S. 7118) for the erection of a keeper's dwelling to be attached to the fog-signal station at the harbor of Cape Charles, Virginia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7119) for the relief of the heirs of Lemuel J. Bowden, deceased; and

A bill (S. 7120) for the relief of Joshua T. Reynolds.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 7121) to establish market stands in the city of Washington for farmers and others selling produce of their own raising (with accompanying paper);

Abill (S. 7122) requiring street railway companies in the District of Columbia to equip their cars with vestibules; and

A bill (S. 7123) to change the name of Jackson street, in the northeast section of the District of Columbia, to Jewell street.

Mr. HALE introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7124) granting an increase of pension to Harris Howard;

A bill (S. 7125) granting an increase of pension to Lorenzo D. Cousins;

A bill (S. 7126) granting an increase of pension to William B. Rush; and

A bill (S. 7127) granting an increase of pension to William R. Ladd.

Mr. PATTERSON introduced a bill (S. 7128) granting an increase of pension to James Langdon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 7129) granting an increase of pension to Jacob C. Rardin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a joint resolution (S. R. 107) authorizing the Commission to Revise the Laws of the United States to incorporate in its final report the criminal and penal laws and the judiciary title heretofore reported by said Commission; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DANIEL submitted an amendment proposing to appropriate \$1,456.17 to pay Capt. George E. Picket, paymaster, United States Army, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FOSTER of Louisiana submitted an amendment providing for the free transmission through the mails of all annual and biennial reports published by State or Territorial departments of education, when addressed to schools or school officials, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. FORAKER submitted an amendment proposing to appropriate \$195,260.43 to pay amounts found due the several States for expenses incurred and paid by them under act of July 27, 1861, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate \$900 for clerk hire at the consulate at Santiago de Cuba, and proposing to increase the salary of the consul at Toronto, Canada, from \$2,500 to \$3,000 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which

was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted the following amendments, intended to be proposed by him to the District of Columbia appropriation bill; which were ordered to lie on the table, and be printed:

An amendment proposing to increase the salary of the superintendent of insurance of the District of Columbia from \$3,000 to \$3,500 per annum;

An amendment relative to extra clerks and appraisers in the department of insurance of the District of Columbia;

An amendment proposing to appropriate \$900 for stenographer and clerk in the department of insurance of the District of Columbia, instead of \$600 for temporary clerk hire; and

An amendment proposing to increase the total appropriation for the department of insurance of the District of Columbia from \$8,500 to \$8,800.

Mr. QUARLES submitted an amendment proposing to increase the appropriation for the support of Indian day and industrial schools from \$300,000 to \$350,000, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. ANKENY submitted an amendment, proposing to appropriate \$50,000 for the improvement of the Columbia River from the mouth of the Okanogan River, Washington, to Kettle Falls, Washington, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TELLER submitted an amendment authorizing the Secretary of the Interior to make an investigation as to the practicability of providing a water supply for irrigation purposes, to be used on a portion of the reservation of the Southern Utes, in Colorado, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. ALLISON submitted an amendment proposing to appropriate \$1,500 to pay Lalla B. Ingersoll, widow of John C. Ingersoll, late consul of the United States at Cartagena, Colombia, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. CLAY submitted an amendment proposing that hereafter the Post-Office Department shall transmit through the mails, under such regulations as the Postmaster-General may from time to time prescribe, all bulletins from the State boards of entomology as second-class mail matter, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also submitted an amendment proposing that hereafter the Post-Office Department shall transmit free through the mails the annual and biennial reports published by the State or Territorial departments of education, when the same are directed to any school or school official, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

GROWERS OF LEAF TOBACCO.

Mr. DANIEL. Mr. President, I offer a resolution of inquiry, for which I ask present consideration.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved by the Senate, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate whether or not the proviso of section 69, act of August 28, 1894, to wit:

"That farmers and growers of tobacco who sell leaf tobacco of their own growth and raising shall not be regarded as manufacturers of tobacco," etc.—

Has been construed by the Treasury Department or any officer thereof to apply only and as a personal privilege to such farmers and growers of tobacco who sell in person, and not by an agent or employee, "leaf tobacco of their own growth and raising;" or to those who deliver the same by their own hand and not by an agent or employee; and also to furnish the Senate with copies of the opinions, if any, that have been rendered on this subject by any officer of the Treasury Department.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. LODGE. Let it go over, Mr. President. It seems a rather complicated matter to be decided in the two or three minutes remaining before the Senate must proceed to the House of Representatives, in pursuance of the order heretofore made.

The PRESIDING OFFICER. The resolution will go over under the rule.

SENATE MANUAL AND RULES.

Mr. SPOONER. I ask for the adoption of the orders which I send to the desk. I will state that they are the customary orders made by the Senate every two years.

The orders were read, considered by unanimous consent, and agreed to, respectively, as follows:

Ordered, That the Committee on Rules is instructed to prepare a new edition of the Senate Manual, and that there be printed 2,500 copies of the same for the use of the committee.

Ordered, That 500 copies of the Standing Rules of the Senate, with index, together with rules for the regulation of the Senate wing of the Capitol, adopted by the Committee on Rules, be printed and bound in paper covers for the use of the Senate.

COUNT OF ELECTORAL VOTES.

At 12 o'clock and 57 minutes p. m.,

The PRESIDENT pro tempore. Senators, under the concurrent resolution providing for the count of the electoral votes for President and Vice-President of the United States, the Senate will now proceed to the Hall of the House of Representatives.

The Senate, preceded by the President pro tempore, the Secretary, and the Sergeant-at-Arms, thereupon proceeded to the Hall of the House of Representatives for the purpose of participating in the count of the electoral votes for President and Vice-President of the United States.

The Senate returned to its Chamber at 1 o'clock and 55 minutes p. m., and the President pro tempore resumed the chair.

Mr. BURROWS, one of the tellers appointed on behalf of the Senate in pursuance of the concurrent resolution of the two Houses to ascertain the result of the election for President and Vice-President of the United States, said:

Mr. President, the tellers on the part of the Senate report to the Senate the following as the result of the ascertainment and counting of the electoral vote for President and Vice-President of the United States for the term beginning March 4, 1905, in order that the report may be entered upon the Journal of the Senate.

The PRESIDENT pro tempore. Senators, the state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 476, of which a majority is 239.

Theodore Roosevelt, of the State of New York, has received for President of the United States 336 votes.

Alton Brooks Parker, of the State of New York, has received 140 votes.

The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 476, of which a majority is 239.

Charles Warren Fairbanks, of the State of Indiana, has received 336 votes.

Henry Gassaway Davis, of the State of West Virginia, has received 140 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice-President of the United States, each for the term beginning March 4, 1905, and shall be entered, together with a list of the votes, on the Journal of the United States Senate.

The report of the tellers, as entered on the Journal, is as follows:

The undersigned, JULIUS C. BURROWS and JOSEPH WELDON BAILEY, tellers on the part of the Senate, and JOSEPH H. GAINES and GORDON RUSSELL, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice-President of the United States for the term beginning March 4, 1905:

State.	Number of electoral votes to which each State is entitled.	For President.		For Vice-President.	
		Theodore Roosevelt, of New York.	Alton Brooks Parker, of New York.	Charles Warren Fairbanks, of Indiana.	Henry Gassaway Davis, of West Virginia.
Alabama.....	11	.....	11	.....	11
Arkansas.....	9	.....	9	.....	9
California.....	10	10	.....	10	.....
Colorado.....	5	5	.....	5	.....
Connecticut.....	7	7	.....	7	.....
Delaware.....	3	3	.....	3	.....
Florida.....	5	.....	5	.....	5
Georgia.....	13	.....	13	.....	13
Idaho.....	3	3	.....	3	.....
Illinois.....	27	27	.....	27	.....
Indiana.....	15	15	.....	15	.....
Iowa.....	13	13	.....	13	.....
Kansas.....	10	10	.....	10	.....
Kentucky.....	13	.....	13	.....	13
Louisiana.....	9	.....	9	.....	9
Maine.....	6	6	.....	6	.....
Maryland.....	8	1	7	1	7
Massachusetts.....	16	16	.....	16	.....

State.	Number of electoral votes to which each State is entitled.	For President.		For Vice-President.	
		Theodore Roosevelt, of New York.	Alton Brooks Parker, of New York.	Charles Warren Fairbanks, of Indiana.	Henry Gassaway Davis, of West Virginia.
Michigan.....	14	14	.....	14	.....
Minnesota.....	11	11	.....	11	.....
Mississippi.....	10	.....	10	.....	10
Missouri.....	18	18	.....	18	.....
Montana.....	3	3	.....	3	.....
Nebraska.....	8	8	.....	8	.....
Nevada.....	3	3	.....	3	.....
New Hampshire.....	4	4	.....	4	.....
New Jersey.....	12	12	.....	12	.....
New York.....	39	39	.....	39	.....
North Carolina.....	12	.....	12	.....	12
North Dakota.....	4	4	.....	4	.....
Ohio.....	23	23	.....	23	.....
Oregon.....	4	4	.....	4	.....
Pennsylvania.....	34	34	.....	34	.....
Rhode Island.....	4	4	.....	4	.....
South Carolina.....	9	.....	9	.....	9
South Dakota.....	4	4	.....	4	.....
Tennessee.....	12	.....	12	.....	12
Texas.....	18	.....	18	.....	18
Utah.....	3	3	.....	3	.....
Vermont.....	4	4	.....	4	.....
Virginia.....	12	.....	12	.....	12
Washington.....	5	5	.....	5	.....
West Virginia.....	7	7	.....	7	.....
Wisconsin.....	13	13	.....	13	.....
Wyoming.....	3	3	.....	3	.....
Total.....	476	336	140	336	140

J. C. BURROWS,
J. W. BAILEY,

Tellers on the part of the Senate.

JOSEPH H. GAINES,
GORDON RUSSELL,

Tellers on the part of the House.

STATEHOOD BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. BACON. I hope the Senator will withhold the motion for a moment. There is a matter which it is important we should have determined.

Mr. CULLOM. I will withhold the motion.

Mr. BACON. The bill which we passed last night of course has to go to the House of Representatives with the amendments, and there were so many various phases in which the changed conditions placed the measure when it was before the Senate that there is some doubt as to exactly what was finally, in some respects, the shape of the bill. I wish to call the attention of the Senate to one question in order that it may be definitely determined.

The Senate will remember that upon my motion the Senate struck out all the bill beginning at section 19 and extending to section 37.

Mr. LODGE. Mr. President, I rise to a question or order. Before we discuss the bill must it not be recalled?

Mr. BACON. No; it has not gone to the House.

Mr. LODGE. Is it still before the Senate?

Mr. BACON. If the Senator will permit me to make a statement—

The PRESIDENT pro tempore. The Chair thinks the bill is not before the Senate.

Mr. LODGE. The bill is not before the Senate. That is precisely what I meant. It can not be brought before the Senate unless recalled by action of the Senate.

Mr. BACON. If the Senator will pardon me, the bill has never left the Senate, and the question is as to what shape it should be in when it does leave the Senate. Of course we want the bill which goes to the House to express the action of the Senate.

Mr. LODGE. I have not any idea what the Senator is going to discuss on the bill, but this is a very important question of order.

Mr. BACON. I understand it.

Mr. LODGE. The bill has passed the Senate.

Mr. BACON. I am rising to a question of order and have the floor.

Mr. LODGE. The bill has passed the Senate, and it can not come before the Senate again for debate unless it is recalled. It does not matter whether it has gone out of the Secretary's office or not, we shall have to recall it and bring it before us.

Mr. BACON. Mr. President, I have the floor, and I have a right to state my case.

Mr. LODGE. I rise to a point of order, which is, I think, always in order.

Mr. BACON. I am on a point of order now.

Mr. LODGE. I make the point of order that all debate on the bill is out of order.

Mr. DANIEL. Mr. President, I rise to a point of order. When one Senator rises to a point of order another Senator can not debate the case while he is on the floor.

Mr. BACON. I have a right at least to state my point of order.

The PRESIDENT pro tempore. The Senator from Georgia is recognized and has the floor.

Mr. BACON. The point of order I am making is that when the bill goes from the Senate to the House it should properly express the action of the Senate, and the question arises as to what is the shape in which the bill passed the Senate. I am not rising for the purpose of debating the bill or for the purpose of seeking to make any change in the bill, but simply as a matter of order, to ascertain what is the shape of the bill. I was proceeding to state the action of the Senate out of which this question arises.

As I was stating at the time the Senator from Massachusetts interrupted me, the Senate, upon my motion, struck out all of the bill beginning at section 19 and extending to section 37. That action was never rescinded. Therefore nothing which was within the scope of that amendment has in any manner been restored to the bill except so far as it contained matter identical with the amendment subsequently adopted on the motion of the Senator from California [Mr. BARD].

Now, the point is that the amendment offered by the Senator from Utah [Mr. KEARNS], which was a printed amendment, expressly states that it was an amendment to take the place of section 19 of the bill. It reads this way:

Amendment intended to be proposed by Mr. KEARNS to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, viz: Strike out section 19 and insert in lieu thereof as section 19 the following:

SEC. 19. That all of that portion of Arizona Territory which lies north and west of the center of the Colorado River is hereby annexed to and shall hereafter be a part of the State of Utah, and that the inhabitants of all the remaining part of the area of the United States now constituting the Territories of Arizona and New Mexico, as at present described, may become the State of Arizona as hereinafter provided.

Mr. President, the point is simply this: If that amendment is the amendment upon which the Senate acted, that amendment went out when the action of the Senate was taken adopting the amendment to strike out, which was made by myself. Now, the point is raised on that amendment. I have, as every Senator has the right to do, inspected the bill as it has been prepared by the clerks, of course, for the purpose of transmission to the House. It is certainly the province of a Senator to see that the bill is in a shape which expresses the action of the Senate, and to call the attention of the Senate to it if there is anything which indicates that the bill is about to be transmitted in a shape in which it did not pass.

Now, whether the amendment which is in print—and was printed before it was offered by the Senator from Utah—expresses the action of the Senate or not, I am not prepared to say. I can only go by what are the terms of the amendment as it was printed and laid on our desks prior to our action.

Mr. CULLOM. Let me ask the Senator a question. Has the Senator seen the bill as it left the Senate or as the Senate left it last night?

Mr. BACON. I have seen the bill as it has been prepared by the clerical force for the purpose of transmission to the House. It includes the amendment offered by the Senator from Utah, which took from the Territory of Arizona 7,000 square miles and added it to the State of Utah. I am certain—

Mr. CULLOM. Mr. President—

Mr. BACON. I am certain of one thing, if the Senator will please pardon me.

Mr. CULLOM. Certainly; I only wanted to know the fact.

Mr. BACON. I am sure of one thing, however the fact may be, that those of us who voted on the amendment to strike out from section 19 to section 37 thought that amendment carried with it at the time the amendment of the Senator from Utah, and that that amendment had been excluded from the bill.

Now, as to what is the fact I am not prepared to say, but in my view of it it is certainly competent that the Senate should have it brought to its attention that it may determine whether that amendment is still in the bill or whether it went out, having been excluded by the amendment striking out those sections.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and fifty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 9, 1905, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 8, 1905.

UNITED STATES MARSHAL.

George G. Perry, of Alaska, to be United States marshal for the district of Alaska, Division No. 3. A reappointment, his term having expired June 5, 1904.

CONSUL-GENERAL.

David F. Wilber, of New York, now consul at Barbados, West Indies, to be consul-general of the United States at Singapore, Straits Settlements, vice Oscar F. Williams, removed.

PROMOTIONS IN THE NAVY.

Infantry Arm.

First Lieut. Stanley H. Ford, Twenty-fifth Infantry, to be captain, with rank from February 3, 1905, vice Carnahan, Fifth Infantry, detailed as paymaster.

PROMOTIONS IN THE NAVY.

Lieut. Commander George S. Willits to be a commander in the Navy, from the 13th day of September, 1904, vice Commander Nathan E. Niles, promoted.

Lieut. Webster A. Edgar to be a lieutenant-commander in the Navy, from the 1st day of January, 1905, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

COLLECTORS OF CUSTOMS.

William L. Short, of Mississippi, to be collector of customs for the district of Vicksburg, in the State of Mississippi, to succeed Albert L. Pierce, resigned.

Frank W. Leach, of New Jersey, to be collector of customs for the district of Little Egg Harbor, in the State of New Jersey, to succeed Samuel P. Bartlett, whose term of office will expire by limitation February 19, 1905.

SURVEYOR-GENERAL.

Edward P. Kingsbury, of Washington, to be surveyor-general of Washington, his term having expired December 19, 1903. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

Hugh Taylor, of Castle Rock, Colo., to be receiver of public moneys at Denver, Colo., vice Benjamin K. Kimberly, whose term expired December 21, 1904.

POSTMASTERS.

CALIFORNIA.

George B. Hannahs to be postmaster at San Jacinto, in the county of Riverside and State of California, in place of Arthur G. Munn. Incumbent's commission expired January 31, 1905.

Jane E. Loveland to be postmaster at Menlo Park, in the county of San Mateo and State of California, in place of Jane E. Loveland. Incumbent's commission expired December 20, 1904.

COLORADO.

David E. Gray to be postmaster at Greeley, in the county of Weld and State of Colorado, in place of Albert W. Durkee. Incumbent's commission expired December 20, 1904.

GEORGIA.

Thomas A. Jones to be postmaster at Elberton, in the county of Elbert and State of Georgia, in place of Carroll M. Heard, removed.

Leon P. Wimberly to be postmaster at Abbeville, in the county of Wilcox and State of Georgia, in place of Ida R. Wimberly, deceased.

ILLINOIS.

O. E. Baldwin to be postmaster at Cobden, in the county of Union and State of Illinois, in place of Albert W. James, resigned.

INDIANA.

Herman Schumacher to be postmaster at Newburg, in the county of Warrick and State of Indiana. Office became Presidential October 1, 1904.

LOUISIANA.

Isabel C. Taylor to be postmaster at Mansfield, in the parish of De Soto and State of Louisiana, in place of Isabel C. Taylor. Incumbent's commission expired January 29, 1905.

MASSACHUSETTS.

Benjamin Derby, jr., to be postmaster at Concord Junction, in the county of Middlesex and State of Massachusetts, in place of Benjamin Derby, jr. Incumbent's commission expired January 31, 1905.

Frederic Robbins to be postmaster at Watertown, in the county of Middlesex and State of Massachusetts, in place of Frederic Robbins. Incumbent's commission expired April 27, 1904.

Herbert H. Russell to be postmaster at Waverley, in the county of Middlesex and State of Massachusetts, in place of Herbert H. Russell. Incumbent's commission expires February 11, 1905.

Leonard A. Saville to be postmaster at Lexington, in the county of Middlesex and State of Massachusetts, in place of Leonard A. Saville. Incumbent's commission expired January 31, 1905.

MINNESOTA.

George E. Kirkpatrick to be postmaster at Rushford, in the county of Fillmore and State of Minnesota, in place of George E. Kirkpatrick. Incumbent's commission expired January 31, 1905.

MONTANA.

John Jackson, jr., to be postmaster at Kendall, in the county of Fergus and State of Montana. Office became Presidential January 1, 1905.

NEW JERSEY.

Alexander B. Roberts to be postmaster at Tenaflly, in the county of Bergen and State of New Jersey, in place of John H. De Mott, removed.

OKLAHOMA.

William L. Stalnaker to be postmaster at Tonkawa, in the county of Kay and Territory of Oklahoma, in place of William L. Stalnaker. Incumbent's commission expired January 31, 1905.

PENNSYLVANIA.

William F. Eckbert, jr., to be postmaster at Lewistown, in the county of Mifflin and State of Pennsylvania, in place of George F. Stackpole, removed.

David Maclay to be postmaster at Chambersburg, in the county of Franklin and State of Pennsylvania, in place of Moses A. Foltz. Incumbent's commission expired February 14, 1903.

TENNESSEE.

Daniel W. Starnes to be postmaster at Lawrenceburg, in the county of Lawrence and State of Tennessee, in place of Joseph B. Schade. Incumbent's commission expired December 20, 1904.

TEXAS.

Mary S. Parish to be postmaster at Huntsville, in the county of Walker and State of Texas, in place of Mary S. Parish. Incumbent's commission expired December 14, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 8, 1905.

AGENT FOR SALMON FISHERIES.

John N. Cobb, of Pennsylvania, to be assistant agent for the protection of the salmon fisheries of Alaska in the Department of Commerce and Labor.

POSTMASTERS.

IOWA.

William W. De Long to be postmaster at Eddyville, in the county of Wapello and State of Iowa.

Chester A. Van Scoy to be postmaster at Woodbine, in the county of Harrison and State of Iowa.

Jacob H. Wolf to be postmaster at Primghar, in the county of O'Brien and State of Iowa.

MICHIGAN.

Robert E. Newville to be postmaster at Boyne, in the county of Charlevoix and State of Michigan.

MINNESOTA.

Thomas A. Bury to be postmaster at Two Harbors, in the county of Lake and State of Minnesota.

Hattie J. Hodgson to be postmaster at Herman, in the county of Grant and State of Minnesota.

WISCONSIN.

James R. Shaver to be postmaster at Augusta, in the county of Eau Claire and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 8, 1905.

The House met at 11 a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

RAILROAD-RATE BILL.

The SPEAKER. Under the order of the House the Chair declares the House to be in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18588; and the gentleman from New Hampshire [Mr. CURRIER] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18588, the railroad-rate bill, and the gentleman from Louisiana is recognized.

Mr. DAVEY of Louisiana. Mr. Chairman, I yield seven minutes to the gentleman from Massachusetts [Mr. THAYER].

The CHAIRMAN. The gentleman from Massachusetts is recognized for seven minutes.

Mr. THAYER. Mr. Chairman, I wish first to congratulate the Republican party, and especially the majority of the Committee on Interstate and Foreign Commerce, on adopting a purely Democratic measure, a measure that was advanced first and solely by the Democratic party, a measure to which that party has been committed for a long time. I am also pleased to congratulate the President of the United States on his wisdom in accepting this Democratic measure and forcing it upon the attention of Congress in his last annual message. Less than two weeks ago, in answer to the suggestion of the President in his message, it was reported here that the majority of the Interstate and Foreign Commerce Committee had framed a bill answering the suggestions and requirements of the President on this question of fixing rates. It was known as the Hepburn bill. The Democratic measure, in substance, calls for legislation which would permit the Interstate Commerce Commission, when they found the rates of common carriers unreasonable, to so declare it and also to go further, and this is the vital point—declare what were reasonable rates. The first of these two propositions was included in the Hepburn bill; but the other proposition, the one all-important and which marks this present bill of some count, was also Democratic, and was the important proposition which the President forced upon the attention of Congress, and was not in the Hepburn bill. This proposition, briefly stated, provided that when this Commission had found that a rate was unreasonable and extortionate they should at once declare what was reasonable, and that that declaration should remain until the appellate court in reviewing the decree of the Commission should determine that the finding of the Commission was unreasonable and unlawful.

This last provision, which was in large measure in my judgment the thing required under present conditions, was not contained in the Hepburn bill, which was indorsed, as I understand, by a large majority of the majority members of the Interstate and Foreign Commerce Committee. It was told here that that bill, known as the "Hepburn bill," which had been referred to the Committee on Interstate and Foreign Commerce, would soon be reported to this House. We were expecting it to-day. This was less than two weeks ago, but it seems that from some source, I am informed that it came from the White House, that the declaration was made that that bill being a sort of veneered, galvanized bill in place of the real thing, could not become law with the assent and approbation of the President. He would not allow it to become the law. Therefore there was a halt called and a change in the bill demanded, and while it has been said here that the Hepburn bill was on all fours with the Townsend bill, in my judgment the Hepburn bill no more resembles the Townsend bill, the Administration bill, the Democratic bill, than a jack rabbit does a race horse. The great difference between the two bills is this: The bill now before the House, known as the "Townsend bill," permits the Commission to state what is a reasonable rate and that that statement shall be the controlling factor until it is changed on writ of error, while the Hepburn bill permitted the Commission to say what was reasonable, but then left to the railroads, the common carriers, an opportunity perhaps requiring two years to determine whether that should be the established rate or not. There is the difference between the two bills. Now, I listened yesterday with a great deal of interest to my colleague from Massachusetts [Mr. McCall], a gentleman whose judgment I usually accept, an able and independent thinker and usually a careful reasoner. I was surprised to hear from him the long list of troubles he prophesied would arise if this bill was enacted